2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

26 April 2010

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New York, 3-28 May 2010

Other provisions of the Treaty, including article X

Working paper submitted by the Islamic Republic of Iran

1. The Islamic Republic of Iran believes that the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committees are faced with more important priorities and challenges, which have emanated from the non-implementation of the disarmament obligations under the Treaty, as well as from the development of new nuclear weapons and the irrational doctrines of possible use of such inhumane weapons.

2. Indeed, the major challenges of the Treaty today concern the implementation of its two main pillars, namely nuclear disarmament and the peaceful use of nuclear energy. Under these circumstances and given these shortcomings, there is no urgency or necessity to deal with such issues as amending article X of the Treaty, which is not a priority.

3. In these circumstances, attempts to direct focus on issues like article X would only divert the attention of the States parties from their real priorities.

4. When this issue was raised for the first time by the United Nations High-level Panel on Threats, Challenges and Change (A/59/565 and Corr.1), and the Panel made a recommendation in this regard, the first reaction of the Non-Aligned Movement was the following:

> Non-Aligned Movement States parties to the Nuclear Non-Proliferation Treaty consider that this recommendation goes beyond the provisions of the Treaty. Non-Aligned Movement member countries believe that the right of "withdrawal" of member States from treaties or conventions should be governed by international treaty law.

5. The question of withdrawal is a sensitive and delicate issue, and serious care should be taken, as such proposals to reinterpret article X of the Treaty are equal to the legal amendment of the Treaty. Such suggestions regarding legal amendment of the Treaty would actually undermine the Treaty regime and create uncertainties and loopholes. However, if any State party has any proposal for the amendment of the Treaty, it must follow the procedures stipulated in article VIII of the Treaty. It should be noted that, unless all States parties clearly demonstrate an intention to be legally bound by these new amendments, which would normally be done through a

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process of ratification, such amendments have no validity. Thus, such proposals on the amendment of article X within the Review Conference would have no basis in international law. It is a recognized fact that any proposals to amend a treaty will have to be discussed and adopted in the relevant multilateral forum.

6. The negotiating history of the Treaty also shows that although the United States and the former Union of Soviet Socialist Republics were the Co-Chairs of the Eighteen-Nation Disarmament Committee throughout the Treaty negotiations and their interests were reflected in the final text, they were also obliged to take into account the views of those other countries that wanted to avoid a treaty with an unlimited duration without undertakings by "the haves" to disarm, since they were concerned that the world might forever be divided into "haves" and "have-nots". Thus, the draft of the Treaty contained both a withdrawal clause and a provision for a conference to review the operation of the Treaty. The wording of the Treaty has also left judgements on the existence of extraordinary events completely to the discretion of the withdrawing State, therefore leaving no room for reinterpretation.

7. Furthermore, it should be taken into account that the 1969 Vienna Convention on the Law of Treaties governs all international treaties. Caution should be taken not to agree to new prerequisites not already provided for in the Treaty, as this could also have implications for other treaties, thereby creating a precedent to act outside the Vienna Convention. Furthermore, it should be taken into account that all international treaties are governed by the customary rules of the law of treaties, many of which have been reproduced in the Vienna Convention. Such prerequisites could also have implications for other treaties, thereby creating an unlawful precedent.

8. It should therefore be recalled that article 54 of the Vienna Convention, which is also a customary international rule, provides that "the withdrawal of a party may take place in conformity with the provisions of the treaty". Generally speaking, there are two categories of treaties and conventions in terms of "the withdrawal clause". Some conventions, such as the United Nations Convention on the Law of the Sea, do not have such clauses. In legal terms, parties to such treaties can arguably contest that what is not specifically prohibited by the treaty is therefore allowed. Similarly, the opposite interpretation may be equally credible — that unless expressly included, an act is not allowed. Conventions or treaties, like the Nuclear Non-Proliferation Treaty, that belong to a second category are very explicit in terms of withdrawal. Therefore, the treaty recognizes the existence of the unconditional right of a State to withdraw in exercising its national sovereignty.

9. In conclusion, the Islamic Republic of Iran reiterates that the main problems facing the Treaty are the continued existence of thousands of nuclear warheads and the development of new ones by certain nuclear-weapon States, as well as irrational doctrines for their possible use or threat of use. The nuclear-weapon States must work sincerely and seriously towards the total elimination of nuclear weapons. Their failure to do so is the root cause of the Treaty's problems. Until that goal is achieved, unwarranted focus on less important issues would not have desirable results.

10. It is a matter of serious concern that main priorities, like the universality of the Treaty, have been neglected or undermined by some nuclear-weapon States in favour of issues like article X. The recent decision of the Nuclear Suppliers Group, in clear violation of the commitments under the 1995 decision on principles and objectives

for nuclear non-proliferation and disarmament, as well as the final document of the 2000 Review Conference on the issue of the universality of the Treaty, has rendered the universality of the Treaty less attainable and seriously jeopardized the credibility and integrity of the Treaty. In such a situation, the insistence of a few States parties that try to highlight non-issues like article X and overlook their fundamental obligations is questionable.

11. The Islamic Republic of Iran believes that in order to tackle the withdrawal issue, the Review Conference needs to take an incentive-based approach to encourage any State party already having withdrawn to return to the Treaty.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by the Islamic Republic of Iran on the establishment of a nuclear-weapon-free zone in the Middle East

1. The establishment of a nuclear-weapon-free zone, as reaffirmed at the first special session of the General Assembly devoted to disarmament, constitutes an important disarmament measure, enhances regional and global peace and security, and reinforces the non-proliferation objective. The establishment of nuclear-weapon-free zones in Latin America, the South Pacific, Africa, South-East Asia and Central Asia are all effective initiatives towards the attainment of a world entirely free from nuclear weapons.

2. The establishment of a nuclear-weapon-free zone in the Middle East has been the long-standing goal of the people of the region. Iran first initiated the idea of the establishment of a nuclear-weapon-free zone as an important disarmament measure in the region of the Middle East in 1974, which was followed by the resolution of the General Assembly. The establishment of such a zone in the Middle East will strengthen security and stability in the region.

3. The resolution on the Middle East, as reaffirmed in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, is an essential element of the package of agreements of the 1995 NPT Review and Extension Conference, and the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

4. The 2000 Review Conference called upon all States in the Middle East, without exception, to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as soon as possible and to place their nuclear facilities under the full-scope safeguards of the International Atomic Energy Agency (IAEA). The Conference also emphasized the importance of the Zionist regime's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards.

Israeli nuclear weapons programme as the main obstacle to a nuclear-weapon-free zone in the region

5. Despite repeated calls by the international community, as demonstrated in the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear

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Weapons, and related resolutions of the General Assembly, IAEA and the Organization of the Islamic Conference, the Zionist regime has neither acceded to the Treaty on the Non-Proliferation of Nuclear Weapons nor has it placed its unwarranted nuclear facilities under full-scope IAEA safeguards. This regime has continued to refuse to even declare its intention to do so. It should be underlined that this regime is the only non-party to the Treaty on the Non-Proliferation of Nuclear Weapons in the Middle East region. Its nuclear weapons activities, with the support of the United States, seriously threaten both regional and international peace and security, and endanger the non-proliferation regime.

6. The brutal attacks and aggressions by the Israeli regime against its neighbours under absurd pretexts, the killing of civilians, including women and children in Gaza, with prohibited and devastating weapons, and the defiance of all calls by the international community to stop the bloodshed of the innocent people are all evidence of the grave threat posed by such an aggressive regime. It is needless to say how much nuclear weapons in the hands of such a regime could endanger regional and international peace and security. This regime is the only one with a dark record of attacking nuclear facilities of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and that continues to threaten to attack IAEA-safeguarded peaceful nuclear facilities of other States in the region.

7. The recent resolutions of the IAEA General Conference on the nuclear capabilities of the Zionist regime (GC(53)/RES/17) and the application of IAEA safeguards in the Middle East (GC(53)/RES/16) are other manifestations of international concern over the threat posed by the nuclear weapon programme of this regime to regional and international peace and security, and as the main obstacle to the establishment of a nuclear-weapon-free zone in the Middle East.

8. The 2000 Review Conference of the Parties to the Treaty, recalling the obligation of all States parties under articles I, II and III of the Treaty, called upon all States parties not to cooperate or give assistance in the nuclear or nuclear-related field to States not parties to the Treaty in a manner that would assist them in manufacturing nuclear weapons or any other nuclear explosive devices. Unfortunately, the inaction imposed upon the Security Council over the past several decades in addressing the well-documented nuclear weapons programme implemented by the Zionist regime has given that regime the audacity to explicitly acknowledge the possession of nuclear weapons. That acknowledgment was condemned by the Non-Aligned Movement in a statement issued on 5 February 2007. This Review Conference should also condemn this regime for its defiance of international calls and urge it to immediately stop its nuclear weapons activities. Moreover, the Security Council should fulfil its Charter-based responsibility to address such a clear and serious threat to international peace and security and take prompt and appropriate actions accordingly.

9. An agreed plan of action for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be on the agenda of all States parties to the Treaty, in particular nuclear-weapon States. There should be greater pressure on the Zionist regime to accede to the Treaty promptly and without condition, and to place all its facilities under the full-scope IAEA safeguards without delay. Unconditional adherence by that regime to the Treaty on the Non-Proliferation of Nuclear Weapons and the conclusion of a full-

scope safeguards agreement with IAEA would, undoubtedly, lead to the early realization of a nuclear-weapon-free zone in the Middle East.

10. In this regard, the sponsors of the 1995 Resolution, based on the agreed package of the 1995 Review and Extension Conference, have the main responsibility to take concrete steps to implement their commitments under this resolution. Proposals such as convening a conference of all members of the region is not in line with this resolution and, as the futile experience of IAEA of convening a forum in this regard has shown, such initiatives would not be fruitful, but rather could undermine the achievement of that aim.

11. The Islamic Republic of Iran is of the opinion that, pending the realization of the nuclear-weapon-free zone in the region, no country of the region must acquire nuclear weapons or permit the stationing of nuclear weapons or nuclear explosive devices on its territory or under its jurisdiction or control, and all countries of the region should refrain from actions that run counter to both the letter and the spirit of the Treaty on the Non-Proliferation of Nuclear Weapons and other international resolutions and documents relating to the establishment of a nuclear-weapon-free zone in the Middle East.

12. The Islamic Republic of Iran believes that the Conferences to review the Treaty on the Non-Proliferation of Nuclear Weapons have a significant role in the realization of a nuclear-weapon-free zone in the Middle East. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should establish a subsidiary body under Main Committee II to consider this issue and make concrete recommendations on urgent and practical steps for the implementation of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and agreements contained in the Final Document of the 2000 Review Conference. The Review Conference should also make recommendations on the measures to compel the Zionist regime to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place its unsafeguarded nuclear facilities under the full scope of IAEA safeguards to pave the way for the establishment of the nuclear-weapon-free zone in the Middle East region.

13. Owing to the importance of the Middle East region and in order to strengthen the realization of the 1995 Resolution on the Middle East and the agreements contained in the Final Document of the 2000 Review Conference and article VII of the Treaty on the Non-Proliferation of Nuclear Weapons, the Islamic Republic of Iran is of the view that all State parties to the Treaty, particularly the nuclear-weapon States, as sponsors of the 1995 Middle East Resolution, should continue to report their measures on the implementation of that Resolution through the United Nations Secretariat to the President of the 2010 Review Conference of the Parties to the Treaty.

14. The Review Conference should also establish a standing committee to monitor the implementation of the 1995 Resolution on the Middle East and the agreements of the 2000 Review Conference of the Parties to the Treaty in this regard and to report to the State parties to the Treaty.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Nuclear disarmament: France's firm commitment — Implementation by France of the "13 Practical Steps" contained in the Final Document 2000 Review Conference

Working paper submitted by France

France is fully committed to achieving all the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). With regard to nuclear disarmament, the best proof of France's unequivocal commitment is its concrete record. As President Sarkozy pointed out in his Cherbourg speech on 21 March 2008, "*rather than making speeches and promises that are not translated into deeds, France acts.*"

In 2000, the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted in its Final Document (NPT/CONF.2000/28 (Parts I and II)) a series of measures to be implemented in this area, known as the "13 Practical Steps". In preparation for the Eighth Review Conference of the Treaty in May 2010, France wishes to submit hereunder the measures it has taken since then and calls on all other States Parties to the Treaty to do likewise at the Conference.

1. *Signature and ratification without delay and without conditions of the Comprehensive Nuclear-Test-Ban Treaty in order to achieve its early entry into force*

- France signed the Treaty on 24 September 1996 and ratified it 12 years ago, on 6 April 1998.
- France is doing more: in addition to the measures taken at the national level, France remains firmly committed at the multilateral level to the Comprehensive Nuclear-Test-Ban Treaty (CTBT).
- It is thus actively committed to the universal ratification of the Treaty and to its early entry into force.
- This is one of the measures in the action plan for disarmament proposed by the President of France at Cherbourg in March 2008 and reflected in the European Union plan of action adopted under the French Presidency.
- Furthermore, the European Union adopted an action plan that provides for systematic high-level efforts to promote the Treaty, including in the nine

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Annex II countries, whose ratification is essential in order for CTBT to enter into force.

- France's support for CTBT is also reflected in the activities it has been undertaking since September 2009 as co-Chair, with Morocco, of the article XIV conference, to facilitate the entry into force of CTBT.

- France is also helping to strengthen the verification regime and supports the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. Specifically, it is participating in efforts to establish a verification regime for the Treaty by building 16 CTBT monitoring stations in France and 8 abroad under bilateral cooperation agreements. Together with its European partners, France has provided financial support of over €5 million since 2006 for a variety of activities, including training, improving the performance of the verification regime and technical assistance to third countries.

2. *A moratorium on nuclear-weapon-test explosions pending entry into force of that Treaty*

- The end to all nuclear tests was announced on 20 January 1996.

- France's ongoing commitment to a global moratorium on nuclear-weapon tests pending the entry into force of CTBT.

- France is doing more:

  – France has dismantled its nuclear test sites and therefore cannot carry out further nuclear testing. It is the only nuclear-weapon State to have dismantled its nuclear test site in an irreversible, transparent manner verifiable by the international community. Between 1996 and 1998, the site was examined by an international expert mission.

  – France, together with its European partners, is calling upon all the States concerned to dismantle their nuclear test facilities as soon as possible, in a manner that is transparent and open to verification by the international community.

3. *The necessity of negotiations in the Conference on Disarmament, on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons in accordance with the mandate agreed in 1995, to be concluded within five years*

- For nearly 15 years, France has been advocating for the start of negotiations on a fissile material cut-off treaty, which is a priority. This is one of the steps under the action plan for disarmament proposed by the President of France at Cherbourg in March 2008 and reflected in the European Union plan of action.

- In that regard, France welcomes the consensus adoption by the Conference on Disarmament on 29 May 2009 of a programme of work which provides for the establishment of a working group on negotiations on a fissile material cut-off treaty, in accordance with the mandate agreed in 1995. It would like the Conference on Disarmament to start its work as soon as possible on the basis of this programme.

- France also welcomes the support expressed by the United Nations Security Council for the start of negotiations on a Cut-off Treaty through the unanimous adoption of resolution 1887 (2009), and by the General Assembly through the adoption by consensus of resolutions 64/64 and 64/29, in the negotiation of which France actively participated.

- France is doing more:

  – In 1992 it ceased all production of plutonium for its nuclear weapons and took similar steps in 1996 with regard to highly enriched uranium. It is observing a moratorium on the production of fissile material for nuclear weapons.

  – France, together with its European partners, is promoting the adoption by the States concerned of an immediate moratorium on the production of fissile material for nuclear weapons.

  – It became the first State to have decided, in 1996, to shut down and dismantle its facilities for the production of fissile material for nuclear weapons at Pierrelatte and Marcoule. The estimated cost of dismantling these facilities has been put at €6 billion, of which 2 billion have already been spent. As the representatives of States members of the Conference on Disarmament, non-governmental experts and journalists were able to verify during their visit to those facilities organized by France in 2008 and 2009, the dismantling of those facilities is indeed irreversible. France today no longer has facilities that produce fissile material for nuclear weapons.

  – With its European partners, France urges all States concerned to either dismantle their fissile material production facilities or convert them to the production of material for non-explosive use only.

4. *Adoption by the Conference on Disarmament of a programme establishing an appropriate subsidiary body with a mandate to deal with nuclear disarmament*

The programme of work (CD/1864) adopted by consensus in May provides for the establishment of a working group on nuclear disarmament. France would like the Conference on Disarmament to start its work as soon as possible on the basis of that programme of work.

5. *The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures*

- France has unilaterally taken exemplary and irreversible measures:

  – Dismantling of the Albion Plateau military site, which hosted the ground-to-ground nuclear component.

  – The only nuclear-weapon State to have closed and dismantled its nuclear testing facility (nuclear testing facility in the Pacific). France now no longer has nuclear testing facilities.

  – The only nuclear-weapon State to have decided to dismantle its facilities dedicated to the production of fissile material for nuclear weapons and to have implemented the decision. International experts verified the

dismantling of the facilities during visits organized by France (16 September 2008, 16 March 2009 and 3 July 2009).

– Under the plan of action for disarmament adopted at the initiative of the French Presidency of the European Union, France, with its European partners, calls for the dismantling of nuclear test facilities and of facilities dedicated to the production of fissile material for nuclear weapons.

6. *An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI*

France abides by its commitments under Article VI of the Non-Proliferation Treaty, as the President of the French Republic solemnly reaffirmed at Cherbourg in March 2008.

Commitment by the Heads of State and Government of the Group of Eight meeting in L'Aquila in July 2009 to "seeking a safer world for all and to creating the conditions for a world without nuclear weapons, in accordance with the goals of NPT".

Reaffirmation by the Security Council, meeting at the level of Heads of State and Government, in its resolution 1887 (2009) adopted unanimously on 24 September 2009:

> Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all.

7. *The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the Treaty on the Limitation of Anti-Ballistic Missile Systems as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons*

Does not apply to France.

8. *The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency (verification of the irreversible release from the military sector of plutonium designated as surplus to requirements)*

While not directly concerned by the trilateral initiative, France has contributed to studies for the elimination of surplus United States and Russian weapons-grade plutonium, given its expertise in the area of plutonium use in MOX fuels, through its contribution to the AIDA/MOX programme and the manufacture of experimental American MOX fuels.

9. *Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all*

Reaffirmation of these principles by the Security Council, meeting at the level of the Heads of State and Government, in its resolution 1887 (2009) adopted unanimously on 24 September 2009:

> Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all.

Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally

- As a result of changes in the strategic environment, especially since the end of the Cold War, France has scaled down each of the components of its forces, consistent with the principle of strict sufficiency: France has therefore halved its nuclear arsenal in nearly 10 years.
- France has a stellar record, including a further unilateral reduction in 2008.
  - Complete dismantling of the ground-to-ground component: France is the only State with a nuclear ground-to-ground component to have completely dismantled it.
  - Scaling down of the sea-based component: number of nuclear-powered guided-missile submarines in service reduced from six to four.
  - Reduction of the airborne component:
    - Early decommissioning and dismantling of the AN52 nuclear bombs carried by Jaguar and Mirage III aircraft
    - Withdrawal of Mirage IV strategic aircraft from nuclear missions.
    - A one-third reduction in 2008 in the number of nuclear weapons, missiles and aircraft in the airborne component, bringing France's total arsenal to fewer than 300 nuclear warheads.

NB: Cessation of the production of fissile material for nuclear weapons (plutonium in 1992, highly enriched uranium in 1996), end of nuclear tests.

Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities as a voluntary confidence-building measure to support further progress on nuclear disarmament

Transparency is particularly crucial to confidence-building, which is essential to arms control and disarmament and vital to strategic stability. The President of France stressed the importance of transparency in his Cherbourg speech of 21 March 2008.

- France has set an example in this area:
  - Transparency with respect to forces:

- Announcement of a cap of 300 on nuclear warheads: France is the only State to have made public the total number of weapons (rather than just deployed operational strategic weapons) in its nuclear arsenal.
  - Announcement that France has no nuclear weapons in reserve.
  - Reaffirmation of the detargeting of nuclear weapons.
  - Pre-notification of all our space launches and missile launches under the Hague Code of Conduct. Apart from the United Kingdom of Great Britain and Northern Ireland, France is the only nuclear power to give these notifications.
- France is doing more:
  - Transparency with respect to doctrine: French doctrine is regularly and publicly stated by political authorities at the highest level (see the Cherbourg speech in March 2008). The basic features of that doctrine are contained in white papers, which are strategic reviews submitted to Parliament, in reports annexed to legislation pertaining to military programming, and in public statements by the President of France and the Prime Minister.
  - Transparency with regard to practical disarmament measures:
    - Visits (unprecedented among the other nuclear-weapon States) to the former Pierrelatte and Marcoule facilities by representatives of the States members of the Conference on Disarmament, non-governmental experts and journalists.
    - From 1996 to 1998, an international mission of experts charged with assessing the environmental impact of the French tests was given unrestricted access to the Pacific test site, and wrote a report thereon to IAEA. This is an unprecedented step by a nuclear-weapon State.
    - IAEA report on the former testing sites in Algeria, to which France actively contributed.
    - Regular publication and distribution, including within the framework of NPT, of brochures and information on our disarmament efforts (see www.francetnp2010.fr).
  - On the basis of proposals made at Cherbourg by its President, France, with its European partners, called on the nuclear powers to reach an agreement on transparency and confidence-building measures. Consequently, France took part in a conference on confidence-building measures organized by the five permanent members of the Security Council in London on 3 and 4 September 2009.

The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process

Not applicable to France, which does not have non-strategic nuclear weapons.

Under the plan of action for disarmament adopted during the French Presidency of the European Union, France, with its European partners, calls upon the States

concerned to include their tactical weapons in the global arms control and disarmament processes, with a view to their reduction and elimination.

Concrete agreed measures to further reduce the operational status of nuclear weapons systems

- France is in favour of reducing the operational readiness of nuclear weapons systems to the extent feasible and provided that global security conditions are maintained. In that connection it has taken substantial steps containing concrete and confidence-building measures:
  - Detargeting, announced in 1997, reiterated in statements by the President since then, and most recently in 2008.
  - Lowering the alert status of the two components in 1992 and 1996. These alert level reductions concerned both force response times and the number of weapon systems.
  - France in addition has put in place substantial technical resources, and strict, rigorous and effective procedures to ensure that no weapons can be used without an order from the President of the French Republic.

A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination

- Right from the outset, French nuclear weapons have been part of a doctrine of deterrence. This doctrine is strictly defensive and severely limits the circumstances in which nuclear weapons could be used, as provided by the International Court of Justice and the United Nations Charter. Nuclear weapons may conceivably only be used in extreme circumstances of self-defence, as the President of France recalled at Cherbourg. Our nuclear deterrence protects us from any aggression against our vital interests emanating from a State.
- The size of the French nuclear forces is determined based on the principle of strict sufficiency. Under this principle, the French arsenal, which guarantees the credibility of our deterrence, is maintained at the lowest possible level compatible with the strategic environment and foreseeable developments in any threat.
- As a result of developments in the strategic environment, especially since the end of the cold war, our forces have been scaled down. France has thus halved its arsenal. The nuclear deterrence budget has therefore been nearly halved in 20 years. It currently accounts for about 0.2 per cent of France's gross domestic product (GDP), as compared to approximately 1 per cent in 1967 and 0.5 per cent in 1989.

The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons

- France is committed to a safer world for all and to creating the conditions for a world without nuclear weapons, in accordance with the goals of NPT.
- Concrete nuclear disarmament actions.

- Participation in the Hague Code of Conduct, which will be chaired by France as of the summer of 2010.
- France participates in the Missile Technology Control Regime of which it is the permanent point of contact.
- It participates in the Nuclear Suppliers Group and the Australia Group.

• France is doing more and is committed to encouraging the conclusion of new instruments:

- France, together with Switzerland, pushed for the start of negotiations in the United Nations on the marking and tracing of small arms and light weapons and would like to see such negotiations lead to a legally binding instrument.
- Active support for the process expected to lead to the adoption of a treaty on the arms trade.
- Adoption by France and its European partners, during the French Presidency of the European Union, of a draft code of conduct for outer space activities (confidence-building and transparency measures for the security of space objects).
- France, together with its European partners, is committed to negotiations on a treaty that would prohibit short- and intermediate-range ground-to-ground missiles.

12. Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and the relevant 1995 paragraph, and recalling the advisory opinion of the International Court of Justice of 1996

France regularly publishes working papers under the NPT review cycle, and produces reports for Parliament and the general public. It also makes the relevant information available online (see www.francetnp2010.fr).

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world

• Support for the CTBT verification regime, at national and European levels. Specifically, France is helping to implement a verification system for the Treaty by building 16 CTBT monitoring stations in France and 8 abroad under bilateral cooperation agreements. Thus, completion of the CTBT verification regime is one of the components of the European Union plan of action for disarmament adopted at the initiative of the French Presidency and endorsed by the European Council in December 2008. European support for the verification regime has brought with it a substantial financial commitment (over €5 million since 2006).

• Fostering negotiations on a fissile material cut-off treaty with verification provisions.

• Regular participation in seminars on this issue.

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Middle East zone free of nuclear weapons as well as other weapons of mass destruction: France's commitment

Working paper submitted by France

France wishes to strongly reaffirm its commitment to the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction. It urges all States concerned to implement that resolution in order to move towards a lasting peace in the Middle East and the creation in the region of a zone free of nuclear weapons and their delivery systems.

1. France is already actively contributing to the creation of conditions conducive to the achievement of the objectives of the 1995 resolution.

First, it is making continued efforts to resolve tensions in the region. France is heavily involved in the Near East peace process and is working for stability in the region. It was for this purpose that France launched the Union for the Mediterranean project, which held its first Summit on 13 July 2008. On that occasion, the joint declaration adopted at the end of the Summit reaffirmed the intention of all parties to work towards the establishment in the Near East of a zone free of nuclear, chemical and biological weapons of mass destruction, and their delivery systems, together with an effective mutual verification system.

A second important area of France's work for the effective implementation of the 1995 resolution involves ensuring respect for the nuclear non-proliferation commitments made by all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Alongside its partners in the Group of Six, France is striving to reach a negotiated settlement to the Iranian nuclear crisis, which is threatening peace and security in the region. As the Security Council recalled in its resolutions 1747 (2007) and 1803 (2008) on the Iranian nuclear situation, a solution to the Iranian nuclear issue would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery.

France is also working for the implementation of the 1995 resolution through its steadfast support for the universalization of the principal non-proliferation

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instruments, factors for collective security, in the framework of its bilateral relations with the countries of the region and in relevant multilateral forums. It calls upon all States that have not yet acceded to the Non-Proliferation Treaty to do so, and to implement it fully in the meantime.

France also encourages all the States of the region to become parties to the other conventions and instruments in place: the Comprehensive Nuclear-Test-Ban Treaty; the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction; the Convention on the Physical Protection of Nuclear Material; the International Convention for the Suppression of Acts of Nuclear Terrorism; the additional protocols to the International Atomic Energy Agency comprehensive safeguards agreements; and the International Code of Conduct against Ballistic Missile Proliferation (The Hague Code of Conduct).

In order to counter proliferation more effectively, France provides assistance in the implementation of Security Council resolution 1540 (2004) in the region, as demonstrated, for example, by its organization of a seminar in Abu Dhabi in October 2009. It also calls upon all countries in the region to join the Proliferation Security Initiative, which enables an operational response to be made to trafficking resulting in proliferation.

Lastly, France strongly encourages all States in the region to support and actively participate, from the outset, in the negotiation of a treaty banning the production of fissile material for nuclear weapons. That treaty, once in force, would enable, in particular, the expansion of verification in States that have not placed all their nuclear facilities under International Atomic Energy Agency safeguards. In anticipation of the treaty, France calls upon all States concerned that have not done so already to declare an immediate moratorium on the production of fissile materials for nuclear weapons, and to place as many nuclear facilities as possible under International Atomic Energy Agency safeguards.

France supports and participates in action by the European Union, which is also strongly committed to working for the implementation of the 1995 resolution. For example, the European Union organized a seminar on the issue in June 2008 and, in connection with the Review Conference, proposed the organization of a new exercise to begin examination of the practical and technical questions raised by the introduction in the Middle East of a zone free of weapons of mass destruction and their means of delivery.

Lastly, civil nuclear cooperation can contribute towards raising confidence in the region, allowing the countries concerned to work together to address the challenges of climate change, development and energy security. As the President of the French Republic recalled at the International Conference on Access to Civil Nuclear Energy, held in Paris on 8 and 9 March 2010, France is prepared to cooperate in the field of civil nuclear energy with all countries that respect their international obligations. Through cooperation with its partners in the region it would also like to contribute to creating an environment suitable for the development of civil nuclear energy in the best conditions for non-proliferation, safety and security. Accordingly, it has signed eight cooperation agreements with countries in the region and more are on the way.

2. France would like the 2010 Review Conference to give renewed impetus to the implementation of the 1995 resolution.

The 2010 Review Conference should be an opportunity for discussion of and for giving political impetus to, six priorities to be achieved by 2015 in order to attain the goals of the 1995 resolution, alongside the political efforts needed to calm tensions and resolve sources of conflict:

(a) Countries in the region should accede to and implement the principal nuclear non-proliferation instruments by: placing additional facilities that are not currently subject to International Atomic Energy Agency safeguards under such safeguards; adopting the International Atomic Energy Agency additional protocol; and ratifying the Comprehensive Nuclear-Test-Ban Treaty;

(b) States in the region should accede to and implement instruments to counter the proliferation of other weapons of mass destruction and their means of delivery;

(c) All States in the region should adopt specific non-proliferation measures, including: having an effective export control mechanism; criminalizing acts of proliferation in accordance with resolution 1540 (2004); suppressing the financing of proliferation; and securing nuclear and radioactive materials;

(d) States in the region should resume their discussions on the establishment of confidence-building measures;

(e) There should be an intensification of international and regional efforts aimed at providing a firm response to the proliferation crises threatening the region;

(f) Regional cooperation on civil nuclear energy should be developed, in coordination with the International Atomic Energy Agency.

France proposes that these priorities should form the basis of a concrete and realistic plan of action for the Review Conference to adopt at the end of its work.

3. France supports the organization of an international conference on the implementation of the 1995 resolution on the Middle East.

France proposes that discussion of the effective implementation of this plan of action should be begun at an international conference, bringing together all the States in the region, the five permanent members of the Security Council and other interested States, as well as the United Nations and the International Atomic Energy Agency.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Introduction

1. Building on the working papers presented by the members of the Group of Non-Aligned States parties to the Treaty on the Non-Proliferation of Nuclear Weapons at the first, second and third sessions of the Preparatory Committee, the present working paper represents the Group's inputs to be considered by the 2010 Review Conference (previous working papers are contained in the documents NPT/CONF.2010/PC.I/WP.5, NPT/CONF.2010/PC.I/WP.7, NPT/CONF.2010/PC.I/WP.9, NPT/CONF.2010/PC.I/WP.11, NPT/CONF.2010/PC.I/WP.12, NPT/CONF.2010/PC.I/WP.16 and NPT/CONF.2010/PC.III/WP.30).

II. Procedural and other arrangements pertaining to the Preparatory Committee and the 2010 Review Conference of the parties to the Non-Proliferation Treaty

2. The Group recalls that the Preparatory Committee, at its third session, adopted the draft provisional agenda of the 2010 Review Conference, according to which the Conference is mandated to review the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and resolution adopted by the 1995 Review and Extension Conference, and the Final Document of the 2000 Review Conference.[1]

3. In the context of the above-mentioned mandate, the Group of Non-Aligned States parties to the Treaty calls for an agreement, in accordance with rule 34 of the draft rules of procedure for the 2010 Review Conference, to establish subsidiary bodies to the relevant Main Committees of the 2010 Review Conference to deliberate on 13 practical steps for systematic and progressive efforts to eliminate nuclear weapons; to consider and recommend proposals on the implementation of

[1] *2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document*, vols. I-III (NPT/CONF.2000/28 (Parts I-IV)).

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the resolution on the Middle East adopted by the 1995 Review and Extension Conference;[2] and to consider and adopt a legally binding international instrument on unconditional security assurances to non-nuclear-weapon States.

III. Recommendations pertaining to the principles and objectives of the Non-Proliferation Treaty

Basic principles and objectives

Recommendation 1

To emphasize that the Non-Proliferation Treaty is the key international instrument aimed at halting the vertical and horizontal proliferation of nuclear weapons, achieving nuclear disarmament and promoting international cooperation on the peaceful uses of nuclear energy.

Recommendation 2

To reaffirm that the balanced implementation of the three pillars of the Non-Proliferation Treaty, in a non-discriminatory manner, remains essential for the effectiveness of the Treaty in realizing its objectives.

Recommendation 3

To reiterate that the continued existence of nuclear weapons represents a significant threat to humanity and that the full and effective implementation of all Treaty obligations, including in particular by nuclear-weapon States, plays a crucial role in promoting international peace and security.

Recommendation 4

To reaffirm the commitment of nuclear-weapon States to their undertakings on nuclear disarmament, including the 13 practical steps for the systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty.

Recommendation 5

To reaffirm that each article of the Non-Proliferation Treaty is binding on States parties without distinction, and that States parties are required to comply strictly with their obligations under the Treaty as well as with those agreed by consensus at the review conferences of the Treaty, including, in particular, the 1995 Review and Extension Conference and the 2000 Review Conference.

Nuclear doctrine and nuclear sharing

Recommendation 6

To note with deep concern security doctrines of nuclear-weapon States, including the "NATO Alliance Strategic Concept", which not only set out rationales

[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I) and Corr.2), annex.

for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts on international security based on promoting and developing military alliances and nuclear deterrence policies.

Recommendation 7

To reaffirm that every effort should be made to implement the Non-Proliferation Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. **Emphasize**, in this context, the particular importance attached to the strict observance of articles I and II.

Recommendation 8

To stress the importance of reaffirmation by nuclear-weapon States of their obligations, and full implementation of article I, and refrain from nuclear weapon-sharing with other States under any kind of security arrangements, including in the framework of military alliances.

Recommendation 9

To stress the importance of reaffirmation by non-nuclear-weapon States of their commitments to the full implementation of article II and to refrain from nuclear weapon-sharing with nuclear-weapon States, non-nuclear-weapon States and States not party to the Non-Proliferation Treaty for military purposes under any kind of security arrangements in times of peace or in times of war, including in the framework of military alliances.

Nuclear disarmament

Recommendation 10

To reconfirm that negotiations on a fissile material treaty should be conducted on the basis of the Shannon mandate, as endorsed both at the 1995 Review and Extension Conference and the 2000 Review Conference.

Recommendation 11

To reaffirm the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

Recommendation 12

To voice concern about the potential for an arms race in outer space, in which the implementation of a national missile defence system could trigger an arms race and further nuclear proliferation.

Recommendation 13

To agree that the development of new types of nuclear weapons and new targeting options to serve aggressive counter-proliferation purposes and the lack of significant progress in diminishing the role of nuclear weapons in security policies

undermine disarmament commitments and work counter to the letter and spirit of the Treaty.

Nuclear testing

Recommendation 14

To reaffirm that the only way to rid the world of the threat of use of nuclear weapons is their total elimination. In this regard, the Comprehensive Nuclear-Test-Ban Treaty is a practical step on the road to nuclear disarmament and, therefore, cannot substitute for the objective of complete elimination of nuclear weapons.

Recommendation 15

To support the objective of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive ban on all forms of nuclear tests without exception, and to stop the development of nuclear weapons, in the direction of total elimination of nuclear weapons.

Recommendation 16

To realize the objective of the Comprehensive Nuclear-Test-Ban Treaty, the commitment to nuclear disarmament of all States signatories, especially the five nuclear-weapon States, is essential. The five nuclear-weapon States have a special responsibility to take the lead in making the test ban a reality.

Security assurances

Recommendation 17

To recall that at the 2000 Review Conference, States parties to the Non-Proliferation Treaty had agreed, by consensus, that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty strengthen the nuclear non-proliferation regime.

Recommendation 18

To reiterate that the improvement in existing nuclear weapons and the development of new types of nuclear weapons as envisaged in the existing nuclear doctrines of some nuclear-weapon States, including the nuclear posture reviews of certain States, contravene the security assurances provided by nuclear-weapon States and violate the commitments undertaken by them at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

Recommendation 19

To reaffirm that the total elimination of nuclear weapons is the only absolute guarantee that there will be no use or threat of use of nuclear weapons and that non-nuclear-weapon States should be effectively assured by nuclear-weapon States that there will be no use or threat of use of such weapons. Efforts to conclude a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority.

Nuclear-weapon-free zones

Recommendation 20

To welcome the efforts aimed at establishing nuclear-weapon-free zones in all regions of the world.

Recommendation 21

To welcome the ongoing consultations between the Association of Southeast Asian Nations and nuclear-weapon States on the Protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) and urge nuclear-weapon States to become parties to the Protocol to that Treaty as soon as possible.

Recommendation 22

To welcome the entry into force of the treaties establishing nuclear-weapon-free zones in Africa and Central Asia and to stress the importance of the signature and ratification of the South Pacific Nuclear Free Zone Treaty (Rarotonga Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty), and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia (Semipalatinsk Treaty), as well as Mongolia's nuclear-weapon-free status, by all States in their respective regions and by all concerned States, as well as signature and ratification by nuclear-weapon States and other relevant States that have not yet done so of the relevant protocols to those treaties in order to assure the total absence of nuclear weapons in their respective territories, as envisaged in article VII of the Treaty.

Recommendation 23

To reiterate the crucial need for practical steps aimed at achieving speedy establishment of a nuclear-weapon-free zone in the Middle East without any further delay.

Recommendation 24

To welcome the talks by Mongolia with its two neighbours to conclude the required legal instrument institutionalizing Mongolia's nuclear-weapon-free status.

Regional issues: Middle East

Recommendation 25

To intensify the efforts aimed at establishing a nuclear-weapon-free zone in the Middle East and **call for** cooperation and consultation among States parties in order to identify and adopt necessary practical steps to achieve that goal in implementing the resolution on the Middle East adopted at the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

Recommendation 26

To stress that the adoption of resolution GC(53)/RES/16 on application of International Atomic Energy Agency (IAEA) safeguards in the Middle East and resolution GC(53)/RES/17 on Israeli nuclear capabilities by the IAEA General

Conference are another manifestation of the threat posed by such capabilities to regional and international peace and security, and remain the main obstacles to the establishment of a nuclear-weapon-free zone in the Middle East.

Recommendation 27

To express concern that Israel continues to refrain from acceding to the Non-Proliferation Treaty despite the accession of all other States in the region.

Recommendation 28

To reaffirm the 1995 resolution on the Middle East (as well as the Final Document of the 2000 Review Conference (part I)), which "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards".

Recommendation 29

To recall that the 1995 resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Non-Proliferation Treaty was indefinitely extended, without a vote, in 1995, and reaffirm that the resolution remains valid until its goals and objectives are achieved.

Recommendation 30

To reaffirm the 2000 Review Conference Final Document, which underscored the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Non-Proliferation Treaty in the Middle East.

Recommendation 31

To stress that the outcomes of the 2010 Review Conference should contain concrete and practical recommendations concerning the implementation of the 1995 resolution on the Middle East, including a commitment by each State party to the Non-Proliferation Treaty to strictly prohibit the transfer of any nuclear-related equipment, information, material, facilities, resources or devices, and the extension of know-how or any kind of assistance to and cooperation with Israel in the nuclear fields, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards. States parties to the Treaty should also undertake to disclose all information available to them on the nature and scope of Israeli nuclear capabilities, including information pertaining to previous nuclear transfers to Israel.

Safeguards and verification

Recommendation 32

To reaffirm that IAEA is the sole competent authority responsible for verifying and assuring compliance by States parties with their safeguards

agreements undertaken in fulfilment of their Treaty obligations, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons and other nuclear explosive devices, as well as the global focal point for nuclear technical cooperation.

Recommendation 33

To acknowledge that it is fundamental to make a distinction between legal obligations and voluntary confidence-building measures, in order to ensure that such voluntary undertakings are not turned into legal safeguard obligations.

Recommendation 34

To confirm that the obligation under article III in verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV. Therefore, States parties to the Treaty are **called upon** to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

Recommendation 35

While **expressing** full confidence in the impartiality and professionalism of IAEA, **strongly rejects** attempts by any State to politicize the work of IAEA, including its technical cooperation programme, in violation of the IAEA statute, and **stresses** that any undue pressure of interference in IAEA, especially in its verification process, which could jeopardize the efficiency and credibility of IAEA, should be avoided.

Recommendation 36

To emphasize that the States parties to the Non-Proliferation Treaty should consult and cooperate in resolving their issues with regard to implementation of Treaty-related safeguards agreements within the IAEA framework.

Peaceful uses of nuclear energy

Recommendation 37

To underscore that nothing in the Non-Proliferation Treaty should be interpreted to affect the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes without discrimination and in conformity with articles 1 and 2 of the Treaty.

Recommendation 38

To stress that nothing in the Non-Proliferation Treaty should be interpreted as affecting the right of States parties to technical cooperation among themselves or with international organizations, keeping in view the needs of the developing States parties.

Recommendation 39

To recognize the rights of all States parties under the provisions of the preamble and the articles of the Non-Proliferation Treaty and ensuring that no State party is limited in exercising its rights in conformity with the Treaty.

Recommendation 40

To reaffirm that each country's choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements or its arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

Recommendation 41

To note with concern that undue restrictions on exports to developing countries of material, equipment and technology for peaceful purposes persist.

Recommendation 42

To emphasize that the Treaty does not prohibit the transfer or use of nuclear equipment or material for peaceful purposes based on their "sensitivity", and only stipulates that such equipment and material must be subject to full-scope IAEA safeguards.

Recommendation 43

To reiterate that the issue of assurances of nuclear fuel supply is a very complex and multidimensional concept with technical, legal, commercial and economic implications. In order to reach a consensual conclusion, it is premature for this issue to be considered before extensive, comprehensive and transparent consultations are held. In this context, **to reject**, in principle, any attempts aimed at discouraging certain peaceful nuclear activities on the grounds of their alleged "sensitivity"; and **emphasize** that any ideas or proposals pertaining to the non-proliferation of any peaceful nuclear technology that are used as a pretext to prevent the transfer of such technology are inconsistent with the objectives of the Non-Proliferation Treaty.

Recommendation 44

To reiterate a need for caution while thoroughly addressing the associated technical, legal and economic aspects, as well as the underlying political dimensions of the issue of assurances of nuclear fuel supply, so that any proposal that eventually emerges in this regard is in full accordance with the Non-Proliferation Treaty and takes into account the respective legal obligations of States parties and the principle of non-discrimination. **To underline** that any further consideration of the issue of nuclear fuel supply assurances must be based on a coherent and comprehensive conceptual framework that adequately addresses the views and concerns of all States parties; and **recall** the decision on principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference, which has made it clear that new supply arrangements for the transfer of source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable

material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

Recommendation 45

To reaffirm the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the Charter of the United Nations and regulations of IAEA. **To recognize** the need for a comprehensive multilaterally negotiated instrument prohibiting attacks, or the threat of attacks, on nuclear facilities devoted to peaceful uses of nuclear energy.

Recommendation 46

To emphasize that the technical cooperation and assistance provided by IAEA in meeting the needs of its member States for material, equipment and technology for peaceful uses of nuclear energy shall not be subject to any political, economic, military or other conditions incompatible with the provisions of its statute.

Recommendation 47

To stress that the IAEA technical cooperation programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, is formulated in accordance with the IAEA statute and the guiding principles, thereby ensuring that the projects are consistent with all the decisions of IAEA policymaking organs. **To reiterate** that the current guidelines and criteria for the selection of technical cooperation projects are robust and effective, and that no additional criteria should be imposed for fulfilling the aforementioned objectives.

Recommendation 48

To stress its full support to all efforts aimed at strengthening the role of IAEA in line with the objectives of the IAEA statute. In this context, **to emphasize** that efforts towards strengthening all statutory activities of IAEA should be balanced.

Recommendation 49

To underline that concerns related to nuclear weapons proliferation shall not in any way restrict the inalienable right of all States parties to develop all aspects of nuclear science and technology for peaceful purposes, without discrimination, as stipulated in article IV of the Non-Proliferation Treaty. In this context, **to underscore** the importance of peaceful nuclear technology for the sustainable socio-economic uplifting of developing nations, provided that nuclear activities are subject to full-scope IAEA safeguards.

Recommendation 50

To stress the importance of nuclear safety and security. While nuclear safety and security are national responsibilities, IAEA should play the key role in the development of international safety standards and nuclear security guidance based on best practices. **To emphasize** that undue nuclear safety and security concerns

should not be used to hamper the peaceful utilization of nuclear energy, especially in developing countries.

IV. Action-oriented recommendations pertaining to the implementation of obligations under the Non-Proliferation Treaty

4. The 2010 Review Conference should establish the following set of recommendations pertaining to progress in the following fields: universality, nuclear disarmament, nuclear testing, security assurances, nuclear-weapon-free zones, regional issues, particularly in the Middle East, safeguards and verification, and peaceful uses of nuclear energy.

Universality

Recommendation 51

To call on States that are not party to the Non-Proliferation Treaty to accede to the Treaty as non-nuclear-weapon States, with a view to achieving its universality at the earliest possible time.

Recommendation 52

To call on all States parties to exert all possible efforts to promote universal adherence to the Non-Proliferation Treaty and not to undertake any actions that could negatively affect prospects for the universality of the Treaty.

Recommendation 53

To reaffirm the integrity of article IX, paragraph 3 of the Non-Proliferation Treaty and the commitment of all States parties not to accord any status or recognition in any form contrary to the provisions of the Treaty to any State not party to the Treaty. **To reaffirm** also, towards the attainment of these objectives, the commitment of all States parties to prohibit completely the transfer or sharing of all nuclear-related equipment, information, material, facilities, resources or devices, or the extension of scientific and technical assistance in the nuclear field, to States not parties to the Treaty in a manner inconsistent with the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by consensus at the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

Nuclear disarmament

Recommendation 54

To call for the full implementation by the nuclear-weapon States of their disarmament commitments under the Non-Proliferation Treaty, including those agreed by consensus at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

Recommendation 55

To accelerate the process of negotiations that should be undertaken, in accordance with article VI, as well as implementing the 13 practical steps for the systematic and progressive efforts to implement article VI of the Non-Proliferation Treaty, without further delay, in order to advance towards a nuclear-weapon-free world.

Recommendation 56

To agree on an action plan on nuclear disarmament that includes concrete steps for the total elimination of nuclear weapons with a specified time frame, including a nuclear weapons convention, without delay. The Group of Non-Aligned States parties to the Non-Proliferation Treaty presents its proposal to the Review Conference on such an action plan in a separate document.

Recommendation 57

To agree on a programme of work for the Conference on Disarmament that includes the immediate commencement of negotiations of a verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives, with a view to its conclusion within five years.

Recommendation 58

To establish a standing committee by the Review Conference to monitor and verify nuclear disarmament steps undertaken unilaterally or through bilateral agreement.

Recommendation 59

To reaffirm commitment by nuclear-weapon States to end the production of new types of nuclear weapons and the qualitative improvement of nuclear weapons.

Recommendation 60

To establish, as a matter of priority, a subsidiary body on nuclear disarmament, in Main Committee I, mandated to focus on the issue of fulfilment of the obligations under article VI and further practical measures required to achieve progress in that regard.

Nuclear testing

Recommendation 61

To stress the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, requiring its ratification by the remaining annex 2 States, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and towards the enhancement of international peace and security.

Recommendation 62

To ratify the Comprehensive Nuclear-Test-Ban Treaty by Nuclear-Weapon States with all expediency. Positive decisions by nuclear-weapon States would have a beneficial impact towards the ratification of the Test-Ban Treaty. Nuclear-weapon States have a special responsibility to encourage progress on the entry into force of the Test-Ban Treaty. These actions would encourage annex 2 States, in particular those which have not acceded to the Non-Proliferation Treaty and continue to operate unsafeguarded nuclear facilities, to sign and ratify the Test-Ban Treaty.

Security assurances

Recommendation 63

To call for the negotiation of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States against the use or threat of use of nuclear weapons. Pending the realization of the goal of total elimination of nuclear weapons, legally binding security assurances within the context of the Non-Proliferation Treaty remain essential and should be materialized without further delay.

Recommendation 64

To seek the establishment of a subsidiary body on security assurances for further work to be undertaken to consider legally binding security assurances by nuclear-weapon States to the non-nuclear-weapon States parties to the Non-Proliferation Treaty to strengthen the non-proliferation regime. Legally binding security assurances within the context of the Treaty would provide an essential benefit to the States parties and to the credibility of the Treaty regime.

Nuclear-weapon-free zones

Recommendation 65

To confirm that the establishment of nuclear-weapon-free zones created by the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Tlatelolco Treaty) and the Treaties of Rarotonga, Bangkok, Pelindaba and Semipalatinsk, as well as Mongolia's nuclear-weapon-free status, represents a positive step and an important measure towards attaining the objective of global nuclear disarmament and non-proliferation.

Recommendation 66

To urge nuclear-weapon States that, having signed or ratified some of the relevant protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretations that affect the denuclearization status of that zone to modify or withdraw such reservations or unilateral interpretations.

Recommendation 67

To highlight the importance of holding the second Conference of States parties and Signatories to the Treaties that Establish Nuclear-Weapon-Free Zones

and Mongolia and its contribution to the nuclear disarmament and non-proliferation regime.

Middle East

Recommendation 68

To focus the activities of the 2010 Review Conference substantially on the Middle East including, in particular, the establishment of a nuclear-weapon-free zone in that region in accordance with the 1995 resolution on the Middle East; and to recommend that States parties to the Treaty, in particular the three Treaty depositories and sponsors of the 1995 resolution on the Middle East, should report on steps they have taken to promote the undelayed establishment of a Middle East nuclear-weapon-free zone and the realization of the goals and objectives of the 1995 resolution on the Middle East.

Recommendation 69

To recommend the establishment of a standing committee composed of members of the Bureau of the 2010 Review Conference to follow up intersessionally on the implementation of the recommendations concerning the Middle East and to report to the 2015 Review Conference and its Preparatory Committees.

Recommendation 70

To recommend the establishment of a subsidiary body to Main Committee II of the 2010 Review Conference to consider and recommend proposals on concrete practical steps to promote the earliest implementation of the resolution on the Middle East.

Recommendation 71

To call upon States parties to the Non-Proliferation Treaty to provide appropriate support in order to facilitate the implementation of IAEA General Conference resolutions GC(53)/RES/16 on application of IAEA safeguards in the Middle East and GC(53)/RES/17 on Israeli nuclear capabilities.

Recommendation 72

To call upon States parties to the Non-Proliferation Treaty to disclose all information available to them on the nature and scope of Israeli nuclear capabilities, including information pertaining to previous nuclear transfers to Israel.

Recommendation 73

To reiterate the commitment of all States parties to the Non-Proliferation Treaty to prohibit the transfer of all nuclear-related equipment, information, material, facilities, resources or devices, and extension of know-how or any kind of assistance to and cooperation with Israel in nuclear fields, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under full-scope IAEA safeguards.

Recommendation 74

To support the efforts of the Group of Non-Aligned States parties in the Middle East in pursuing the earliest implementation of the 1995 resolution on the Middle East and **invite** the Conference on Disarmament to closely consider the proposals put forward by States parties of the region in this regard.

Safeguards and verification

Recommendation 75

To reiterate that the work of IAEA with regard to safeguards and verification needs to be conducted in accordance with the provisions of its statute and full-scope safeguards agreements.

Recommendation 76

To request all States that have not yet done so to bring into force comprehensive safeguards agreements as soon as possible with a view to consolidating and enhancing the verification system for the nuclear non-proliferation and disarmament regime, through the universalization of comprehensive safeguards.

Recommendation 77

To request all nuclear-weapon States and all States not parties to the Non-Proliferation Treaty to place all their nuclear facilities under full-scope IAEA safeguards. This should be set forth in an agreement to be negotiated and concluded with IAEA in accordance with the Treaty and the IAEA statute, for the exclusive purpose of verification of the fulfilment of the obligations of nuclear-weapon States, with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material, facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to States not parties to the Treaty in a manner inconsistent with the decision on principles and objectives for nuclear non-proliferation and disarmament adopted by consensus at the 1995 Review and Extension Conference and with the Final Document of the 2000 Review Conference.

Recommendation 78

To consider the strengthening of the IAEA system for the protection of confidentiality of safeguard-related information.

Peaceful uses of nuclear energy

Recommendation 79

To stress the commitment of developed countries to facilitate and assist the legitimate development of nuclear energy by the developing countries by allowing them to participate to the fullest extent in the possible transfer of nuclear equipment,

materials and scientific and technological information for peaceful purposes, with a view to achieving maximum benefits and applying pertinent sustainable development in their health, industry, agriculture and other development-related activities.

Recommendation 80

To emphasize that non-proliferation must be pursued and implemented, without exception, through the strict observance of adherence to IAEA comprehensive safeguards and to the Non-Proliferation Treaty as a condition for any cooperation in the nuclear area with States not parties to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

Recommendation 81

To reiterate that any undue restrictions or limitations on peaceful uses of nuclear energy that are incompatible with the provisions of the Non-Proliferation Treaty should be removed.

NPT/CONF.2010/WP.47

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28 April 2010

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Elements for a plan of action for the elimination of nuclear weapons

Working paper submitted by the Group of the Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Introduction

1. Although there have been some positive signals and developments in the area of nuclear disarmament, the world is still faced with unresolved challenges. The recent statements by some nuclear-weapon States about their intention to pursue actions in achieving a world free of nuclear weapons are positive. However, urgent and concrete actions by the nuclear-weapon States in accordance with their multilaterally agreed commitments to achieve general and complete disarmament remain essential. Unless the role of nuclear weapons in the context of security is delegitimized and existing nuclear doctrines are abandoned, there will always be a threat of a nuclear arms race and an escalation of nuclear threats. The total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.

2. To achieve the total elimination of their nuclear weapons, the nuclear-weapon States need to implement the unequivocal undertaking agreed upon in 2000. The 13 practical steps for systematic and progressive efforts to implement Article VI should be fully implemented in accordance with the principles of transparency, verifiability and irreversibility. The nuclear-weapon States should be urged to start negotiations on a phased programme for the complete elimination of their nuclear weapons within a specified time framework, including a nuclear weapons convention. It should also be recalled that there is a unanimous conclusion of the International Court of Justice regarding the obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

3. The Non-Aligned Movement proposes a plan of action for the elimination of nuclear weapons within a specified time frame that includes the following concrete steps and measures, as a basis for consideration by the Review Conference. The list of measures in each phase is indicative rather than exhaustive, and the order in

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which they are mentioned does not necessarily reflect their priority. Nevertheless, it should be understood that, in any nuclear disarmament programme, all steps and measures are inextricably linked.

Plan of action

First phase — 2010 to 2015

A. Measures aimed at reducing the nuclear threat

4. Immediate commencement of concurrent negotiations on and early conclusion of:

(a) A treaty banning the production of fissile material for nuclear weapons, the negotiations being conducted on the basis of the Shannon mandate, as endorsed at the 1995 Review and Extension Conference and the 2000 Review Conference;

(b) Termination of qualitative improvements of nuclear weapons through agreements on:

(i) the cessation of all nuclear weapon tests (ratification of the Comprehensive Nuclear-Test-Ban Treaty, starting with the nuclear-weapon States), the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the closure of all nuclear weapons test sites;

(ii) measures to prevent the use of new technologies for upgrading the existing nuclear weapon systems, including the prohibition of nuclear weapon research and development;

(c) Review by nuclear-weapon States of their nuclear postures in order to eliminate the role of nuclear weapons in their military and security policies;

(d) A multilaterally negotiated legally binding instrument that is universal and unconditional, to ensure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(e) A convention unconditionally prohibiting the use or threat of use of nuclear weapons;

(f) An international conference at "the earliest possible date" to achieve agreement on a phased programme for the complete elimination of nuclear weapons within a specified time frame, including, in particular, a treaty to eliminate nuclear weapons (nuclear weapons convention);

(g) Full implementation of the Treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and Central Asia and of Mongolia's nuclear-weapon-free status, including signature and ratification by nuclear-weapon States and other States, of relevant protocols to those Treaties, and the establishment of additional nuclear-weapon-free zones;

(h) Establishment of nuclear-weapon-free zones in the Middle East and implementation of the 1995 resolution on the Middle East, in order to fully realize its goals and objectives;

(i) Clear and verifiable declarations by States of their stocks of nuclear weapons and nuclear-weapons-usable material and agreement on a multilateral mechanism to monitor reductions by nuclear-weapon States of their nuclear arsenals individually, bilaterally or collectively;

(j) Reduction of the operational readiness of nuclear-weapon systems.

B. Measures aimed at nuclear disarmament

5. Full implementation by the nuclear-weapon States of their disarmament obligations and commitments under the Non-Proliferation Treaty, including those agreed at the 2000 Review Conference; acceleration of the negotiation process, in accordance with article VI, and implementation of the 13 practical steps.

6. Conclusion of negotiations on further reductions of nuclear arsenals (START).

7. Moratorium on the production of fissile materials, pending conclusion of a fissile material cut-off treaty.

8. Placement of nuclear fissile material transferred from military to peaceful uses by nuclear-weapon States under International Atomic Energy Agency (IAEA) safeguards.

9. Formal declaration of the decade 2010-2020 as the "Decade for nuclear disarmament" and realization of its objectives.

Second phase — 2015 to 2020

Measures aimed at reducing nuclear arsenals and promoting confidence among States

10. Entry into force of the treaty to eliminate nuclear weapons and the establishment of a single integrated multilateral comprehensive verification system to ensure compliance, including such measures as the:

(a) Separation of nuclear warheads from their delivery vehicles;

(b) Placement of nuclear warheads in secure storage under international supervision, pending the removal of special nuclear materials from those warheads;

(c) Transfer of nuclear materials, including fissile materials and delivery vehicles, to "peaceful purposes".

11. Preparation, under international auspices, of an inventory of nuclear arsenals, including fissile materials, nuclear warheads and their delivery vehicles.

12. Progressive and balanced reduction of missiles intended for carrying nuclear warheads.

13. Recommendation by the 2020 Review Conference to declare 2020 as the "Decade for the total elimination of nuclear weapons".

Third phase — 2020 to 2025 and beyond

Measures aimed at the consolidation of a nuclear-weapon-free world

14. Full implementation of the treaty to eliminate all nuclear weapons and of its verification regime through the:

(a) Elimination of all nuclear weapons;

(b) Conversion of all facilities for the production of nuclear weapons to "peaceful purposes";

(c) Placement of nuclear facilities under safeguards, on a universal basis.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

30 April 2010

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Note verbale dated 29 April 2010 from the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General of the Conference

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and has the honour to transmit herewith the text entitled "Ministerial Declaration on Non-Proliferation", adopted on 2 December 2009, in the framework of the Ministerial Council of the Organization for Security and Cooperation in Europe (see annex).

The Permanent Mission of Ukraine to the United Nations requests that the present note and its annex be circulated as a working paper of the 2010 Review Conference.

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Annex

Organization for Security and Cooperation in Europe

Ministerial Council

Athens, 2009

Ministerial Declaration on Non-Proliferation

We, the members of the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE), recalling OSCE commitments on non-proliferation, emphasize that the proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security. The international non-proliferation regime faces major challenges. We are committed to continue to address them resolutely.

We welcome and reaffirm our commitment to United Nations Security Council resolution 1887 (2009) to take further steps with a view to preventing the proliferation of weapons of mass destruction and their means of delivery. We recognize the role of the United Nations Security Council in addressing threats to international peace and security arising from non-compliance with non-proliferation obligations. We remain seriously concerned that some States do not comply fully with relevant United Nations Security Council resolutions and call upon them to do so without delay.

We are also gravely concerned by the threat of illicit trafficking in nuclear,* chemical, or biological weapons and their means of delivery, and related materials, which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security.

We endorse universal adherence to the international treaties and conventions aiming at preventing and prohibiting the proliferation of weapons of mass destruction. In this regard, we call upon all States still not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC) to become parties thereto.

We are strongly committed to effective and full implementation of the NPT. We reaffirm that the NPT remains the cornerstone of the nuclear non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament and peaceful uses of nuclear energy. We will work to achieve a successful NPT Review Conference in May 2010 and to strengthen the Treaty and its three mutually reinforcing pillars.

We reaffirm the commitment of our countries to seeking a safer world for all and to creating conditions for a world without nuclear weapons in accordance with the goals of the NPT. In this context, we welcome the historical decisions taken by States in the OSCE area to renounce voluntarily nuclear arsenals as well as the establishment of nuclear-weapon-free zones. We also acknowledge that reaching a new legally binding agreement between the Russian Federation and the United States of America on further strategic arms reductions and limitations to replace the START Treaty, expiring in December 2009, will be a vital contribution to this

endeavour. We recognize that the non-proliferation of nuclear weapons and nuclear disarmament are mutually reinforcing.

We acknowledge security assurances provided by the nuclear-weapon States, as noted in Security Council resolution 984 (1995), and recognize that these security assurances strengthen the nuclear non-proliferation regime.

We support the universalization and strengthening of the International Atomic Energy Agency (IAEA) safeguards system and verification regime, in particular through the adoption and implementation by States, which have yet to do so, of the Comprehensive Safeguards Agreement, together with the Additional Protocol, which should become a universally accepted verification standard for non-proliferation compliance. In this regard, we reaffirm that effective export controls, together with the IAEA safeguards, are essential to prevent nuclear proliferation.

We encourage the work of IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply, as an effective means of addressing the expanded need for nuclear fuel services, while taking into account the necessity to minimize the risk of proliferation. In this regard, we appreciate the initiatives recently put forward by some and supported by all OSCE participating States.

We call for universal adherence to the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism. We also call for States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories, and endorse the IAEA efforts, within its nuclear security programme, to improve nuclear security, protect against nuclear terrorism and promote international cooperation with regard.

We reiterate our commitment to promoting full and effective implementation of Security Council resolution 1540 (2004), as well as our ongoing dialogue with the Committee established pursuant to it. In this context, we pledge our continued support to the ongoing Security Council resolution 1540 (2004) comprehensive review process, Committee's and regional efforts to facilitate its implementation, including through providing effective assistance to those States that require it.

We will continue our efforts to strengthen the BTWC. We welcome the ongoing progress under the CWC and highlight the vital importance of the full and effective implementation of the Convention.

We agree to further improve national nuclear export control policies by supporting and, where possible, strengthening the guidelines of the Zangger Committee and the Nuclear Suppliers Group. We support the guidelines of the Missile Technology Control Regime and undertake to control the export of missiles, technology and equipment in accordance with the guidelines.

We are committed to take all appropriate national measures in accordance with our national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology.

We remain fully committed to the early entry into force of the CTBT. Pending its entry into force, we call upon all States to abide by a moratorium on nuclear-

weapon test explosions and to refrain from any action contrary to the obligations and provisions of the CTBT.

We welcome the adoption by consensus of a programme of work in the Conference on Disarmament and stress the urgent need for the Conference to commence on this basis its substantive work in early 2010, including negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. In the meantime, we call upon all States concerned to declare and uphold an immediate moratorium on the production of such material.

We reiterate our readiness to further enhance and strengthen existing international legal instruments against the proliferation of weapons of mass destruction in the OSCE area through the broadest possible multilateral support. In this context, we will continue to take appropriate actions, consistent with national legal authorities and obligations under relevant international legal framework, to strengthen the implementation of the respective commitments through our legislation, regulations and procedures, and to exchange information, inter alia, and as appropriate, in the context of a security dialogue within OSCE about practical measures for strengthening the global non-proliferation regime.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2010

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Working paper submitted by the Islamic Republic of Iran on nuclear disarmament

1. In the course of the negotiations leading to the Treaty on the Non-Proliferation of Nuclear Weapons, an integrated and balanced package of rights and obligations was introduced according to which non-nuclear-weapon States undertake not to acquire nuclear weapons, and to place their facilities under the safeguards agreements. In return, nuclear-weapon States undertake not to transfer and develop nuclear weapons and commit themselves to practical steps towards nuclear disarmament. Moreover, all States parties to the Treaty undertake to cooperate and ensure the implementation of the inalienable rights of the States parties to peaceful use of nuclear energy in a non-selective and non-discriminatory manner. In addition, universality of the Treaty has been assumed as a common international commitment of all States parties.

2. Since 1978, when the Final Document of the Tenth Special Session of the General Assembly, the first to be devoted to disarmament confirmed nuclear disarmament as the highest priority in the disarmament agenda, the international community has had to wait for more than two decades to witness a comparable endorsement of its long-sought goal, as contained in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The 2005 Review Conference of the Parties to the Treaty was a sad setback in this direction. The practical steps adopted by consensus at the 2000 Review Conference still constitute the basis of our deliberations on nuclear disarmament in the Review Conference of the Parties to the Treaty.

3. With the adoption of the practical steps in the 2000 Review Conference, including in particular the "unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament under article VI of the Treaty", hopes for the implementation of this fundamental pillar of the Treaty were renewed. The 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty became instrumental towards the goal of nuclear disarmament.

4. The upcoming Review Conference of the Parties to the Treaty shall consider national reports of the nuclear-weapon States with respect to their obligations to implement article VI of the Treaty, including measures adopted by them to implement 13 practical steps for the systematic and progressive efforts to implement

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article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament.

5. Since the 2000 Review Conference of the Parties to the Treaty, developments in the area of nuclear disarmament have not been promising. Despite the obligations under article VI and commitments made by the nuclear-weapon States at the 1995 Review and Extension Conference of the Parties to the Treaty and their unequivocal undertaking of the 2000 Review Conference of the Parties to the Treaty, the continued development and deployment of thousands of nuclear warheads in the stockpiles of the nuclear-weapon States still threaten international peace and security.

6. The non-entry into force of the Treaty on the Further Reduction and Limitation of Strategic Offensive Arms (START II), the reluctance to pursue the START III negotiations and the abrogation of the Anti-Ballistic Missile Treaty are among the serious setbacks to the implementation of the agreements of the 2000 Conference. The international community has noted the signature of the Treaty on Strategic Offensive Reductions (Moscow Treaty) in 2002 and the new START in 2010. However, the Moscow Treaty and the new START do not go beyond the decommissioning of nuclear weapons, and its parties do not have any obligation to destroy their nuclear weapons.

7. Moreover, no verification mechanism has been envisaged. It therefore does not take into account the principles of "increased transparency", "diminishing role for nuclear weapons" and "irreversibility", which were agreed by the nuclear-weapon States at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

8. During the 2000 Review Conference of the Parties to the Treaty, the nuclear-weapon States committed themselves to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the arms reduction and disarmament process". In spite of that, no practical steps have been taken to reduce tactical nuclear weapons by the nuclear-weapon States.

9. Moreover, in the absence of any mechanism to verify the implementation of unilateral, bilateral and multilateral declarations made or agreements reached regarding the fulfilment of nuclear disarmament obligations, and in order to assure the international community of the real reduction of nuclear weapons and their elimination, the Review Conference of the Parties to the Treaty should establish a standing Committee to ensure implementation of commitments made with regard to article VI obligations.

10. It should also be highlighted that any reduction of nuclear weapons, whether strategic or non-strategic, should be in a verifiable and irreversible manner. Needless to say, such reduction in nuclear weapons can never be a substitute for the main obligation of nuclear-weapon States, namely, the total elimination of nuclear weapons. As a first step, a real change is needed regarding the aggressive Nuclear Posture Review and removal of the emphasis on the old doctrine of nuclear deterrence.

11. As we emphasized last year, the international community rightly expects that statements on the reduction of nuclear weapons be materialized and implemented in a transparent, verifiable and irreversible manner. Despite these pledges, a review of

the new developments in the nuclear policy of the United States shows a reverse trend. The continued emphasis of the United States new Nuclear Posture Review on maintaining nuclear weapons and the obsolete deterrence policy, new extraordinary budget allocations to the modernization of the United States arsenals, no movement towards ratification of the Comprehensive Nuclear-Test-Ban Treaty, and raising new excuses for keeping nuclear weapons in the new Nuclear Posture Review, are clear indications of the continued policy of this State to evade its obligation to eliminate its nuclear arsenals.

12. The new Nuclear Posture Review of the United States and the Trident plan of the United Kingdom of Great Britain and Northern Ireland, which provide for the development and modernization of nuclear weapons, the possible use or threat of use of nuclear weapons against non-nuclear-weapon States and targeting nuclear weapons against non-nuclear-weapon States parties to the Treaty, are in contravention of the assurances given by the nuclear-weapon States at the time of the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons and its indefinite extension. More worrisome are new announcements by France. It has recently announced the addition of a nuclear-armed ballistic missile submarine to its nuclear arsenals. The President of that country was quoted as saying, "French nuclear forces are a key element in Europe's security". It appears that this country, in defiance of its international obligations, is seeking new roles for its nuclear forces in order to justify their continued retention. In so doing, it even resorts to irresponsible methods such as manipulation of intelligence and frightening people to promote programmes that their people would otherwise not support. It is regrettable that, despite the high expectations of the international community regarding the realization of United States pledges on nuclear disarmament and a world free of nuclear weapons, a new extraordinary budget of several billions of dollars has been allocated to modernize the United States arsenals. The bill was a blow to all hopes created by the rhetoric of the new Administration and a big setback for the success of the Review Conference of the Parties to the Treaty. The Nuclear Posture Review is stipulated for United States conventionally armed long-range ballistic missile systems, while this country has been claiming for a long time that the ballistic missile has no use other than as a means of delivery of weapons of mass destruction.

13. The Preparatory Committee and the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have the urgent tasks of addressing the concerns of the non-nuclear-weapon States emanating from the development and deployment of new nuclear weapons and their means of delivery and alleviating these concerns by considering a decision on the prohibition of the development, the modernization and the production of any new nuclear weapons, particularly mini-nukes, as well as a ban on the construction of any new facility for the development, deployment and production of nuclear weapons and their means of delivery in home and foreign countries.

14. Moreover, real concerns of the international community remain over vertical proliferation of nuclear weapons transfer to other countries and deployment of nuclear weapons in territories of non-nuclear-weapon States, and the danger of using such inhumane weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Ironically, not only do some nuclear-weapon States not take steps towards the total elimination of their arsenals, and give no real and unconditional security assurances to non-nuclear States parties, they also

threaten to use their weapons against States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

15. In accordance with article I of the NPT, "each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly". Contrary to this obligation, hundreds of nuclear weapons and their means of delivery have been and are still being deployed in other countries and air forces of non-nuclear-weapon States train in the delivery of these weapons under the cover of military alliances. The new Nuclear Posture Review of the United States has clearly confessed such violation, namely, the deployment of United States nuclear weapons in the territories of the European Union, and the Review Conference must seriously address this case of non-compliance. In the same context, the nuclear sharing between nuclear-weapon States and between nuclear-weapon States and non-parties to the Treaty is also a grave source of concern for States parties to the Treaty. The nuclear-weapon States should comply with their obligations under article I by refraining from nuclear-sharing, under any pretext, including security arrangements or military alliance.

16. The Treaty on the Non-Proliferation of Nuclear Weapons, in its article III, paragraph 2, commits all States to refrain from the transfer of sensitive technology and materials to non-parties to the Treaty unless they are placed under the International Atomic Energy Agency (IAEA) safeguards.

17. Accordingly, the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should reaffirm the total and complete prohibition of transfer of any nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to non-parties to the Treaty, without exception and in particular to the Israeli regime, whose unsafeguarded nuclear facilities and continued programme for the development of nuclear weapons are a real threat to all countries of the Middle East and to international peace and security. The United States is a non-compliant party with its undertakings under the provisions of the Treaty by continuing nuclear-sharing with the Zionist regime of Israel and by strongly supporting this regime by keeping silent in respect of the acknowledgement of the Israeli Prime Minister of Israel's nuclear arsenal. The policy of inaction of the United States and some other nuclear-weapon States regarding the real threats of the nuclear arsenal of the Zionist regime to regional and international peace and security in the Security Council and other relevant forums constitutes an act of horizontal proliferation, adding to their vertical one.

18. The agreement signed by the Director of the Israeli Atomic Energy Commission, and the chairman of the United States Nuclear Regulatory Commission, enabling the Zionist regime to access most of the available United States nuclear data and technology is another example of United States non-compliance with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons. It seems that the United States is not shy about supporting that regime's nuclear weapon programme, and the disclosed "top secret document dated 23 August 1974" clearly shows the role of the United States in equipping the Zionist regime with nuclear weapons.

19. Although the actual nuclear testing moratorium (but not simulation testing) has been maintained since the signature of the Comprehensive Nuclear-Test-Ban Treaty,

some efforts had been under way in the United States to allocate millions of dollars to reducing to 18 months the time necessary to resume a nuclear test. This put into question its commitment to the so-called moratorium. The international community highly expects that the United States, as a major nuclear-weapon State, will implement its commitments under the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in which the ratification of the Comprehensive Nuclear-Test-Ban Treaty has been envisaged as the first of 13 practical steps towards nuclear disarmament.

20. While new issues such as terrorism, non-proliferation threats and the possible role of the terrorist groups in proliferation should duly be dealt with, it is very unfortunate that these issues are abused as pretexts to justify the pursuit of preserving nuclear weapons and ignorance of nuclear disarmament obligations by certain nuclear-weapon States. Specific threats may not be resolved through resorting to more dangerous weapons that would have catastrophic consequences well beyond any other threats in scope and effects. The main responsibility for nuclear security and preventing nuclear terrorist groups from having access to the nuclear weapons or materials within the territory of a nuclear-weapon State or under its jurisdiction or control rests entirely with that State. Pending the total elimination of such weapons, they should take necessary measures to protect their arsenals from theft and incident.

21. The review process of the Treaty on the Non-Proliferation of Nuclear Weapons should be able to reiterate once again its unconditional global call for the full implementation of the unequivocal undertakings of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, and must assess the implementation of the 13 practical steps adopted by consensus at the 2000 Review Conference of the Parties to the Treaty.

22. The Parties to the Treaty, particularly the nuclear-weapon States, should engage in good faith in substantive work of the Conference for the prompt and meaningful implementation of obligations under the Treaty, including article VI, and the commitments made at the 1995 and 2000 Review Conferences of the Parties to the Treaty.

23. The international community cannot wait forever to witness the total elimination of nuclear weapons. To this end, the 2010 Review Conference of the Parties to the Treaty should adopt a clear time frame for the full implementation of article VI.

24. In this context, we are also of the firm belief that early negotiations on a nuclear weapons convention shall be started in the Conference on Disarmament. In this regard, we reiterate our call for the establishment, as the highest priority and as soon as possible, of an ad hoc committee with a negotiating mandate on nuclear disarmament in the Conference on Disarmament. Such negotiations must lead to the legal prohibition, once and for all, of the possession, development and stockpiling of nuclear weapons by any country and provide for the destruction of such inhumane weapons. Until the conclusion of a nuclear weapons convention, the nuclear-weapon States must fulfil their obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and refrain from:

- Any kind of development of and research on nuclear weapons;
- Any threat of use of nuclear weapons against non-nuclear-weapon States;

- Any modernization of nuclear weapons and their facilities;
- Deployment of nuclear weapons in the territories of other countries;
- Maintaining their nuclear weapons in the trigger-alert situation.

25. Continued lack of transparency regarding the nuclear activities of nuclear-weapon States is a matter of serious concern to the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The few pieces of news on submarine accidents leaked to the media show the scale of the dangers to international peace and security, as well as the great challenges created by the existing nuclear arsenals to the survival of mankind and the environment. Since 2000, the collisions and failures of the United Kingdom nuclear submarines, including the *HMS Superb* in May 2008, have been a great source of concern for the international community and an immense risk to the marine environment. During this period, *HMS Triumph*, *HMS Trafalgar* and *HMS Tireless* had similar catastrophic incidents. In particular, in February 2009, the incident between the United Kingdom *HMS Vanguard* nuclear submarine and *Le Triomphant*, the French nuclear submarine, in the Atlantic Ocean was of serious concern to the international community. Such catastrophes proved once more the righteousness of the international calls for the immediate realization of a world free from nuclear arsenals through the full implementation of article VI of the Treaty.

26. The question of the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons against the use or threat of use of nuclear weapons has been an important issue since the inception of the Treaty on the Non-Proliferation of Nuclear Weapons. The Final Document of the 2000 Review Conference of the Parties to the Treaty reaffirmed, in the second paragraph of its section on article VII, the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding and unconditional security assurances by the five nuclear-weapon States parties to the Treaty to the non-nuclear-weapon States strengthen the nuclear non-proliferation regime, and called upon the Preparatory Committee to make recommendations to the Review Conference. In the light of that agreement, the Review Conference of the Parties to the Treaty shall prepare recommendations on unqualified negative security assurances to all non-nuclear-weapon States parties to the Treaty on a non-discriminatory basis.

27. The failure of the past Review Conferences to produce recommendations on the security assurances necessitates a concrete measure to be taken by the 2010 Review Conference of the Parties to the Treaty to revitalize the international efforts in this regard.

28. Therefore, we continue to firmly believe that the Conference should establish an ad hoc committee to work on a draft legally binding instrument on providing unconditional security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty on a non-discriminatory basis.

29. As a first step to address the twin issues of illegality of use or threat of use and negative security assurances, we believe that, as suggested by the NGO community, the Review Conference should adopt a decision by which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited".

30. The General Assembly, at its sixty-fourth session, also adopted resolution 64/31, entitled "Follow-up to nuclear disarmament obligations agreed to at the 1995 and 2000 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons", in which it called, inter alia, for practical steps to be taken by all nuclear-weapon States that would lead to nuclear disarmament in a way that promotes international stability and, based upon the principle of undiminished security for all, as follows:

(a) Further efforts to be made by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

(b) Increased transparency by the nuclear-weapon States with regard to nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as a voluntary confidence-building measure to support further progress in nuclear disarmament;

(c) The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(d) Concrete agreed measures to reduce further the operational status of nuclear weapons systems;

(e) A diminishing role for nuclear weapons in security policies so as to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

(f) The engagement, as soon as appropriate, of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.

These required measures by international community could be considered as a basis for the Review Conference for further elaboration.

31. In conclusion, the Islamic Republic of Iran reiterates that maintaining the established delicate balance between three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons is vital to preserve the credibility and integrity of the Treaty. Non-nuclear-weapon States could not accept any new obligations pending the full implementation of outstanding nuclear disarmament undertakings by nuclear-weapon States.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

3 May 2010

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Working paper submitted by the Islamic Republic of Iran on the issue of negative security assurances

1. Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945, which had a destructive power 10,000 times larger than previous explosive devices, a thousand times more destructive than fission bombs, thermonuclear bombs have been designed and built. The continued existence of thousands of such bombs in the stockpiles of the nuclear Powers and allocation of billions of dollars to modernize them has kept the fate of civilization and of humanity itself under horror and panic. Even with the conclusion of the Treaty on the Non-Proliferation of Nuclear Weapons, humankind has continued to live under the shadow of possible use of the world's most destructive mass-terror weapons. Therefore, the question of the unconditional security of non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons has been and still is an important and vital issue.

2. In the early 1980s, all five nuclear-weapon States, in response to the international demands for an unconditional and legally binding treaty on negative security assurances against the use or threat of use of nuclear weapons, as a first limited step, accepted some qualified undertakings not to use such weapons against States parties to the Treaty and those which have renounced the production and acquisition of such weapons. In early April 1995, this pledge was reaffirmed through unilateral statements by nuclear-weapon States and on 11 April 1995, just days before the 1995 Review and Extension Conference, Security Council resolution 984 (1995) was adopted taking note of these unilateral statements and recognizing "the legitimate interest of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances". The Security Council is also very explicit in "considering that the ... resolution constitutes a step in this direction".

3. The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of in a package of decisions by the 1995 Review and Extension Conference. Principle 8 of the decision on principles and objectives stipulated that "further steps should be considered to assure non-nuclear-weapons States parties to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument".

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4. Moreover, the new doctrines such as the United States Nuclear Posture Review, development of easy-to-use mini-nukes and a recent increase in the number of cases in which some high officials of certain nuclear-weapon States have threatened non-nuclear-weapon States (such as those threats made by the United States and French President), all have put the non-nuclear-weapon States more than ever under the real threat of possible use of nuclear weapons.

5. The United States through its development of new types of easy-to-use nuclear weapons and recently allocation of billions of dollars to modernize its nuclear arsenal and naming non-nuclear-weapon States as targets of such inhumane weaponry, is clearly violating its obligations under article VI of the Treaty and putting its commitment to its 1995 unilateral statement under serious question. Hundreds of millions of dollars have already been allocated to the nuclear weapon development projects such as those in the United Kingdom Trident or the United States mini-nukes and recently the addition of a nuclear-armed ballistic missile submarine to French nuclear arsenals. The international community should not await the deployment or even threat of use of such weapons to react. Such policies and practices seem to have learned no lesson from the nightmare of Hiroshima and Nagasaki. It is abhorrent that the threats and dangerous doctrine of use of nuclear weapons against non-nuclear States were officially proclaimed by the United States and the North Atlantic Treaty Organization (NATO).

6. The 1995 unilateral statements and the subsequent United Nations Security Council resolution are inseparable parts of the deal in the 1995 Review Conference. The efforts undermining multilateral achievement in the field of disarmament are now seriously eroding the very credibility of the Treaty.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons. Nuclear weapons should not imply political clout and capability to shape and influence world events or change the decisions of sovereign States. Holding onto and expanding nuclear arsenals should be condemned rather than condoned or tolerated. Any increase in nuclear capability should equal a reduction in political credibility. As long as such weapons are in the stockpiles of nuclear-weapon States, no one on the earth has any security. It is therefore imperative to move on with a concerted and firm resolve to stop and reverse this fast-paced drive. Certain nuclear-weapon States have tried to create smokescreens in the international forums, including the Treaty review process, to deflect attention from their abysmal record and policies.

8. Pending the total elimination of these inhuman weapons, as stipulated in the Advisory Opinion of the International Court of Justice in 1996, the Review Conference should announce unequivocally that to use or threaten to use nuclear weapons is illegal. At the same time efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority by the international community.

9. Therefore, we propose that the Conference establish an ad hoc committee to work on a draft of a legally binding instrument on the illegality of nuclear weapons and providing unconditional security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty, and to submit the draft of the legal instrument to the Review Conference for its consideration and adoption. As a first step to address the twin issues of illegality of use and negative security

assurances, we believe that as suggested by the non-governmental organization community, the 2010 Review Conference should adopt a decision through which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited".

10. We strongly urge this Conference to move a step forward and to make a concrete decision on the negative security assurances to assure non-nuclear-weapon States on a non-discriminatory and unconditional basis.